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Disarmament Commission
289th meeting
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New York

Chairperson: Mr. de Klerk ..... (Netherlands)

The meeting was called to order at 11.35 a.m.

Report of the Disarmament Commission to the General Assembly at its sixty-third session

The Chairman: We will begin the final meeting of the 2008 substantive session with agenda item 6, which concerns the adoption of reports of the subsidiary bodies on the various agenda items, as well as the consideration and adoption of the draft report of the Commission, as contained in documents A/CN.10/2008/CRP.2, CRP.3 and CRP.4. Those documents have been circulated.

In accordance with our agreed working timetable, we will first consider and adopt the report of the Commission and thereafter hear concluding statements by delegations.

To start the process of the consideration and adoption of the reports of the subsidiary bodies on individual agenda items, I shall call on the Chairman of each Working Group to introduce their respective reports.

I now give the floor to Mr. Jean-Francis Régis Zinsou of Benin, Chairman of Working Group I, on agenda item 4, "Recommendations for achieving the objective of nuclear disarmament and non-proliferation of nuclear weapons" to introduce the report of the working group, as contained in document A/CN.10/2008/CRP.3.

Mr. Zinsou (Benin), Chairman of Working Group I (*spoke in French*): Working Group I of the Disarmament Commission, which I have had the distinct honour of chairing for three years, since the April 2006 session, met from 9 to 24 April 2008 in order to consider agenda item 4. The report of Working Group I, which is before the Commission in document A/CN.10/2008/CRP.3, gives an account of our work under that agenda item.

Our deliberations were facilitated by the decision that was taken on 10 April to take working paper A/CN.10/2008/WG.I/WP.1 as a basis for our discussion. That document was well received by member States and was the result of intensive consultations undertaken by the Chairman of Working Group I with interested delegations since the end of the 2007 session.

Before this session, we had established the principle of the need to seek a consensus on the basis of a succinct and realistic document, given the complexity of the topic at hand. In that respect, the working paper had only 22 paragraphs, but it addressed the majority of the important questions identified in our previous work and in the course of informal consultations aimed at reconciling the divergent points of view that surfaced in the course of trying to clearly determine the motivations of the stakeholders.

At the end of the first phase of our deliberations, on 17 April, I presented a revised version of document WP.1. On 18, 21, 22 and 23 April and this morning, delegations reviewed that improved version. This exercise showed that the second was unable to respond to all of the concerns of certain delegations. I drafted a

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third version and circulated it informally to permanent missions early yesterday evening. In the final analysis, we were not able to achieve a consensus on the final document. It will nonetheless be issued in its latest version as an official document of the United Nations.

As Chairman of the Working Group, I did all that was humanly possible to try to reshape a consensus on the nuclear issue. I would like to say how honoured I was to be able to carry out this mandate as Chairman of Working Group I on behalf of the States members of the Non-Aligned Movement and the African Group. Nonetheless, I cannot underestimate the titanic efforts that the Working Group made in seeking a path to reconcile the concerns of the two groups of States that were involved in this issue: the nuclear States and the non-nuclear States.

In that respect, we should stress that at no time was the intrinsic link among the three pillars of the nuclear consensus questioned. That does not mean that certain delegations would not have liked to change the order of those pillars. Nonetheless, it is only because nuclear States accepted the principle of the total elimination of nuclear weapons and of nuclear disarmament that the non-nuclear-weapon States have accepted the principle of non-proliferation. That is the basis for cooperation among States to promote the peaceful use of nuclear energy. In the end, we had a healthy and well-founded discussion that permitted the Commission to once again assume its role as a unique framework for deliberation within the United Nations disarmament machinery.

I would like to thank all delegations that played an active role in the deliberations within Working Group I. In doing so, they have restored to the Commission its raison d'être. I would also like to thank the Secretariat, which very usefully assisted the Chairman and the Working Group in the course of this session. Of course, I cannot help but address a special note of gratitude to the Office for Disarmament Affairs, which has supported my efforts over the past three years, and in particular since October 2007, in ensuring wise preparations for this session within the framework of the three-year cycle now nearing its end. I also benefited from the very substantial support of experts from the Weapons of Mass Destruction Branch.

I would like to express my most sincere thanks to the High Representative of the Secretary-General and head of the Office for Disarmament Affairs, His Excellency Mr. Sergio Duarte, his Special Assistant, Mr. Ioan Tudor, and the Office's experts, in particular Mr. Nikolai Rogosaroff in 2006 and, in 2007, Mr. Curtis Raynold and his assistants Kristin Jenssen, Elena Ilina and Soo-Hyun Kim, who worked with me with such dedication to make the Working Group's documents possible.

I would also like to thank the Department for General Assembly and Conference Management and, in particular, Mr. Timur Alasaniya, Mr. Sergei Cherniavsky and Ms. Lidija Komatina, who advised me in an appropriate manner on procedural matters in the course of the three Working Group sessions that I chaired. Of course, I would also have to express my gratitude to the Interpretation Service and the technical services for their very effective contribution during the course of our work.

Having reached the end of the three-year cycle, I would like to make a few comments on the experience I have had, in order to make sure that the lessons that we have learned will be taken into consideration for the future. One thing is certain. The formula of a three-year cycle has made it possible to reach a high degree of concentration in order to produce a critical mass of material around the subjects entrusted to us. That was possible thanks to in-depth exchanges throughout the cycle among experts on the questions under review.

Maintaining the principle of the election of the Chairs of the Commission's Working Groups for the duration of the cycle is very beneficial from that point of view, even though the task can be a very thankless one, because it makes it possible to ensure continuity in the work and a cumulative process for a growing search for consensus on the subjects under consideration. The fact that Working Group I got so close to consensus is proof of the effectiveness of this approach. In this respect, in the future, we should think about the possibility of an extension of the cycle, if the need is identified.

To conclude, I would wonder about the justification of retaining absolute consensus as a mode of decision-making which, increasingly, is used by delegations as the right of veto. This abuse raises the problem of the credibility of consensus as such and raises the need to regulate its use, especially in bodies where it is the only way that decisions are taken. This discussion would be extremely useful if we want to strengthen the effectiveness of the United Nations with

respect to the challenges that humankind faces, particularly in the area of international peace and security.

The Chairman: If there are no comments, I shall take it that the Commission wishes to adopt the report of Working Group I on agenda item 4, as contained in document A/CN.10/2008/CRP.3.

It was so decided.

The Chairman: I would like to take this opportunity to thank the Chairman of Working Group I for his hard work, not only during this session, but for three years, as he mentioned. I thank him for working hard up until the last minute and for his tenacity and effective leadership of the Group.

I would now like to move on to the report of Working Group II on agenda item 5, entitled "Practical confidence-building measures in the field of conventional weapons", as contained in document A/CN.10/2008/CRP.4.

I now give the floor to the Chairman of that Working Group, Mr. Carlos Perez of Brazil, to introduce the report of Working Group II.

Mr. Perez (Brazil), Chairman of Working Group II: Allow me at the outset to express my appreciation for the confidence that was placed in me by members of the United Nations Disarmament Commission. I was honoured to be elected Chairman of Working Group II, and I am grateful for the support I received from the Group.

This year has been the seventh in which the Disarmament Commission has deliberated on practical confidence-building measures in the field of conventional weapons. This year, we held extensive discussions on the issue but were unable to reach consensus on the consolidated text. Working Group II held 10 meetings between 9 and 22 April. At the beginning of its deliberations, the Group had before it a revised paper based on last year's text, which was developed by my predecessor, Mr. Carlos Duarte. That document reflected the considerable work that had been done after two years of discussions, negotiations and informal consultations with many delegations, which sought to build upon the Chairman's consolidated working paper contained in document A/58/42.

During this session, many delegations worked constructively and diligently to address the outstanding issues in the Chairman's revised paper. With the help of the Secretariat, and as result of our deliberations, two revisions of this session's initial paper were prepared. At the final meeting, the last revision of the text was presented. Although I feel that the great majority of delegations could have accepted the proposed document, we were not able to overcome the remaining concerns that were raised.

The report of Working Group II that is before the Commission in document A/CN.10/2008/CRP.4, is a procedural report on the work done by Working Group II during this session of the Disarmament Commission in discharging its mandate as regards agenda item 5.

I would like to thank those delegations that participated actively and constructively in the deliberations. I would also like to thank the Office for Disarmament Affairs for its support of our work through the assignment of Ms. Pamela Maponga and Mr. Hideki Matsuno. I would also like to thank the Department for General Assembly and Conference Management and to express my appreciation for the efficient work carried out Ms. Christa Giles and her staff. Finally, I wish to take this opportunity to convey my appreciation for the Chairman's support.

The Chairman: If there are no comments, I shall take it that the Commission wishes to adopt the report of Working Group II on agenda item 5, as contained in document A/CN.10/2008/CRP.4.

It was so decided.

The Chairman: I would like in turn to thank the Chairman of Working Group II for his dedication, his hard work and his able and calm chairmanship. In conveying the Commission's gratitude, I also note that it certainly was not easy to jump aboard a moving train in the middle of this three-year period.

So, again I would like to convey the gratitude of the Commission to the Chairmen of both Working Groups for their hard and dedicated work on two very complex sets of issues.

We shall now begin our consideration of the draft report of the Disarmament Commission itself, as contained in document A/CN.10/2008/CRP.2. For that purpose, I have the pleasure to give the floor to the Commission's Rapporteur, Ms. Mónica Bolaños-Pérez

of Guatemala, to introduce the draft report of the Commission.

Ms. Bolaños-Pérez (Guatemala), Rapporteur of the Commission (*spoke in Spanish*): It is an honour and a pleasure for me to introduce the draft report of the Disarmament Commission, contained in document A/CN.10/2008/CRP.2. The draft report consists of four chapters: the introduction; organization and work of the 2008 substantive session; documentation; and conclusions and recommendations.

First, I would like to look at the text of the report and bring to the attention of members the following corrections. The first correction concerns page 1: the references to annexes I and II will be deleted, as we agreed earlier. Secondly paragraphs 10 and 11 will be retained, and we will remove the brackets and the bold type.

The third correction concerns paragraph 18, which was orally revised by the Chairman. The text should read as follows:

> "At the same meeting, the Commission considered the Chairman's proposal on procedural and organizational elements for the possible participation of experts in the work of the Commission and decided to continue its consideration of this question in the future."

The fourth correction is to paragraph 17. The words "and the conclusions and the recommendations contained therein" should be deleted; the text should thus read:

> "At its 289th plenary meeting, on 24 April, the Disarmament Conference adopted by consensus the reports of its subsidiary bodies regarding agenda items 4 and 5. The Commission agreed to submit the text of these reports, reproduced below, to the General Assembly."

These are the changes and the corrections that will be made to the report. I would ask delegations to be kind enough to take note of them. Obviously, they will be reflected in the report.

As is customary, the final report will be a factual description of the Commission's work and proceedings during the session. The substantive part comprises the reports of the two Working Groups, which were just adopted by the Commission and which form part of the present report. This part is a reflection of the compromises and agreements reached by the delegations through delicate negotiations carried out in a spirit of constructive cooperation.

The Commission discussed two items at the session and, as is usual, no parallel meetings were held. I was privileged to watch both Chairmen and the delegations skilfully, painstakingly and gradually crafting a consensus on the complex issues of the modern disarmament agenda.

Although not perfect or completely satisfactory to all the Member States, the two reports of the Working Groups reflect the progress and setbacks over these three years.

With respect to agenda item 4, entitled "Recommendations for achieving the objective of nuclear disarmament and non-proliferation of nuclear weapons", I can say that the dialogue on this complex issue was vigorously pursued over the entire three-year cycle within the framework of the Disarmament Conference. The Commission, with its deliberative mandate, allows practical and action-oriented consideration as well as the adoption of conceptual approaches to the issues without being under negotiating pressure. From that viewpoint, all working papers submitted in the course of the three years, conference room papers and oral and written comments constitute a rich background against which the Group operated.

Here I wish to emphasize the valiant and ongoing efforts of the Working Group's Chairman. Thanks to his unfailing belief in the possibility of success and his readiness to act on that belief, none of the ideas that were put forward have been lost: they were duly reflected in one form or another in the deliberations as well as in the documents he submitted. It is regrettable that in the end it proved impossible to resolve the remaining differences and adopt an outcome document by consensus.

On agenda item 5, entitled "Practical confidence-building measures in the field of conventional weapons", this year the Chairman, like his predecessor at the previous two sessions, presented the Working Group with a non-paper at the outset of the session. Building on positive elements achieved during previous years, the Chairman guided the Group in a professional, transparent and satisfactory manner along the path of steady progress. Despite differences, it was possible to reach compromise on some difficult issues,

and the Group came very close to agreeing on a consensus text.

Of course, it is regrettable that after all this hard work a consensus was not achieved, but nonetheless the degree of convergence among differing positions and approaches on this difficult issue and the flexibility shown by delegations leave us with the hope that a future agreement is still possible. That in itself is a major achievement that maintains the disarmament momentum within the Disarmament Commission. Both Chairmen deserve our deepest gratitude for the skilful leadership they have both demonstrated.

I wish to take this opportunity to say that it has been a great honour to serve as Rapporteur at this session, and particularly to work under the able leadership of the Chairman, Mr. Piet de Klerk. It was a pleasure and an enriching experience to participate in the work of the Bureau together with the Vice-Chairmen and Chairmen of the two Working Groups, who provided effective and expert guidance for the deliberations of the subsidiary bodies.

Lastly, I extend my most sincere appreciation to the members of the Secretariat for their tireless efforts and kind assistance.

With these brief remarks, I recommend that the Commission adopt the draft report, as contained in document A/CN.10/2008/CRP.2.

The Chairman: We shall now consider the draft report of the Commission chapter by chapter, but before we do so, allow me to recapitulate the issue of the participation of experts in the work of the Commission.

As members will recall, in my statements at the 284th and 287th meetings of the Commission, I spoke about practical ways for the implementation of resolution 61/98. On behalf of the Bureau, I asked for guidance and tried to outline the required steps and necessary decisions to be taken by the Commission. During a brief discussion, I was asked to submit a non-paper containing several options on the participation of experts and on changes, if any, in the structure of deliberations at plenary meetings. With the assistance of the Bureau, and based on consultations, I distributed a non-paper, on the possible participation of experts in the work of the Disarmament Commission in accordance with resolution 61/98.

Earlier this morning, we had a brief exchange of views on that paper in the Committee of the Whole. I want to take this opportunity to thank delegations for their constructive approach to the issue. It was agreed that paragraphs 10 and 11 of the draft report would be retained as a factual description of the events and that paragraph 18 would be reworded as follows:

> "At the same meeting, the Commission considered the Chairman's proposal on procedural and organizational elements for the possible participation of experts in the work of the Commission and decided to continue the consideration of this issue in the future".

As there appear to be no comments or remarks on that subject, we shall consider the text of the draft report chapter by chapter, taking into account that in the table of contents the entries for the two annexes will disappear, as indicated earlier by the Rapporteur.

We turn first to chapter I. May I take it that the Commission wishes to adopt paragraph 1?

Paragraph 1 was adopted.

The Chairman: Now we turn to chapter II, entitled "Organization and work of the 2008 substantive session", paragraphs 2 through 14. There being no comments, I shall take it that the Commission wishes to adopt chapter II, paragraphs 2 through 14, without the square brackets around paragraphs 10 and 11.

Paragraphs 2 to 14 were adopted.

The Chairman: Now we shall take up chapter III, "Documentation", paragraphs 15 and 16. There being no comments, I shall take it that the Commission also wishes to adopt chapter III, paragraphs 15 and 16.

Paragraphs 15 and 16 were adopted.

The Chairman: We turn now to chapter IV, "Conclusions and recommendations". There have been some oral revisions. I read out paragraph 18 previously, and in paragraph 17, given the fact that there were no conclusions and recommendations in the reports of the Working Groups, the words "and the conclusions and recommendations contained therein" are to be deleted.

So with these oral revisions to paragraphs 17 and 18, may I take it that the Commission wishes to adopt chapter IV, paragraphs 17 to 21?

Paragraphs 17 to 21, as orally revised, were adopted.

The Chairman: May I take it that it is the wish of the Commission, having adopted all paragraphs of the draft report, to adopt the draft report of the Commission in its entirety, as contained in document A/CN.10/2008/CRP.2, as orally revised?

The draft report, as orally revised, was adopted.

Concluding statements

The Chairman: Now that the Commission has adopted its report, allow me to say a few words of a general nature. Let me start by saying that I am very grateful to all delegations for the opportunity to chair this year's session of the United Nations Disarmament Commission. It has really been an honour and a privilege for me to do so, and it has been an enriching experience.

As I said at the opening of this session, nobody expected the Disarmament Commission to bring about a farewell to arms. But as we bid farewell to one another today, as the end of the session draws near, we must draw a couple of conclusions.

First and foremost, there is the conclusion that even set against the relatively low expectations we had going into this session, we, unfortunately, came out with a meagre result indeed. Despite our hard work, the documents that we considered did not come to fruition — despite our hard work, as I said, and in that respect, I again want to thank the Chairmen of our two Working Groups, Jean-Francis Zinsou of Benin and Carlos Perez of Brazil. They both did the hard work. They did everything they could, and we all know that.

Despite their commitment and despite the commitment of all of us, three weeks was not enough to bring results. Three years were not enough to bring results. Nearly a decade was not enough to bring results. One might call it a decade of disarray. As these years passed, both expectations and attendance dropped.

At the same time, worryingly, the urgency of the issues at hand remained and increased. And thus there is a stark contrast between the state of the world and the cooperation of United Nations Member States in this Commission. That brings me to the question of the credibility of the Disarmament Commission — a question that, to me, seems inescapable. In time, each and every one of us should be able to answer that question.

Before we turn the page on the present session of the Disarmament Commission, let me say something about the next chapter — or rather, let me invite members to say something about it. Today and in the coming period, I will be at their disposal to hear any suggestions that they might have regarding the agenda for the forthcoming sessions of the Commission. The future of the Commission lies in its agenda items, and that future is still open. We should not let another two years pass before we can agree on an agenda. It is to be hoped that, in the consultations to be held, we can agree on a new agenda before the introduction of a draft resolution in the First Committee in the autumn.

When looking at the recent past of the Commission, I spoke of a decade of disarray. But everything is certainly not negative, and we are not leaving this room completely empty-handed. After all, the Disarmament Commission is a deliberative organ, and we did deliberate: we had valuable exchanges of views, expressing our opinions on the most crucial topics of our time — or, as they have been called in our deliberations, topics of the highest importance. And we worked seriously towards a consensus, but that consensus has eluded us.

However, even without consensual conclusions, we achieved something. It counts for something that we had a process that was valuable in itself. And perhaps that is the best confidence-building measure that we could have come up with. I, for one, am confident that all of you, members of the Commission, will walk away from this meeting with your spirits intact. You know that you have to, because the next challenge is around the corner for many of you. Finally, remember what Robert Leighton said: "The flower that follows the sun does so even on cloudy days".

I am grateful for the privilege of chairing this session.

I now invite delegations to make concluding statements.

Mr. Konobelj (Slovenia): I would like, on behalf of all States members of the European Union, to thank you, Mr. Chairman, and all the other members of the Bureau for the constructive work accomplished during this session of the Disarmament Commission. I would

also like to take this opportunity to thank once again the Chairmen of both Working Groups, as well as the Secretariat, for their valuable efforts in the Commission.

Mr. Ruddyard (Indonesia): On behalf of the Non-Aligned Movement (NAM), I would like to thank you, Mr. Chairman, for your dedication and hard work and for the time that you and the other members of the Bureau, along with the Secretariat team, have put in to improve our chances of achieving success in the work of the Commission. NAM would also like to commend Ambassador Sergio Duarte, High Representative for Disarmament Affairs, for his support.

It is unfortunate that, despite all the efforts made and the good intentions exhibited on all sides, the Commission has concluded yet another session without being able to fulfil the mandate entrusted to it by the General Assembly with regard to either substantive agenda item. The lack of positive and concrete progress is a sad state of affairs for the three-year cycle. Nevertheless, we are encouraged by the process of deliberation that took place in the Working Groups in a spirit of cooperation and cordiality as well as frankness.

With regard to Working Group I, let me express the non-aligned group's sincere appreciation for the unrelenting efforts of our good colleague Mr. Jean-Francis Zinsou, its Chairman. We very much value his work over the past three weeks — as well as over the past three years — in navigating through the difficult process of seeking to achieve a consensus document in the field of nuclear weapons. NAM is pleased to have been able to work with him in shouldering the responsibility to uphold the interests of the international community in the field of nuclear disarmament. We commend him for his tireless and meticulous efforts to achieve some positive results for the three-year cycle. Indeed, he left no stone unturned, striving until the very last moment of our deliberations.

For its part, NAM, despite the existing divergence of views, was and remains ready to continue to engage in a constructive manner with all Member States. Members will always find us prepared and eager to engage in discussion and consultation to find an agreed solution to the grave international peace and security issues confronting the world community.

Unfortunately, despite the high priority that our group places on nuclear disarmament — regarding which the international community has agreed on various occasions — the Commission was unable, in its extensive deliberations, to achieve a consensus document on that crucial subject in Working Group I. From the outset, NAM has clearly stated its position with regard to the issue of nuclear weapons. For the consideration of members, we presented our principled position on that important issue in a four-page formal working paper containing no fewer than 46 paragraphs and subparagraphs. We have also been flexible and solution-oriented throughout this critical session, in line with the wishes of the Chairman, who wanted to create a shorter document. NAM subsequently agreed to fit its paramount and extensive position into a shorter document. We will continue to make every effort to achieve agreed and tangible outcomes.

In short, NAM did its duty, in the understanding that others would reciprocate. However, we regret that, despite the Chairman's repeated calls for flexibility in our deliberations, some delegations continued to demonstrate their belief that those calls did not apply to them, as seen in the introduction of new elements at the very last moment.

Finally, I should just like to say how appreciative our group is of the understanding shown by other delegations towards us. We appreciate that, and we thank them for having given us the time to conduct our internal consultations. That enabled NAM to coordinate and to participate constructively and actively in the deliberations of Working Group I.

Likewise, with regard to Working Group II, despite the best efforts of its Chairman, Mr. Carlos Perez, and his predecessor, as well as of the delegations actively participating in the Working Group, a consensus regarding a document on practical confidence-building measures in the field of conventional arms has yet to be reached. Several outstanding issues remain that it has not yet been possible to resolve. We hope that the frank discussions on that issue have not been in vain and that they will continue in the future. Future discussions should be based on the understandings reached during the three years of deliberations that we have conducted.

Mr. Rao (India): I associate myself with the statement made by the representative of Indonesia on behalf of the Non-Aligned Movement. I requested the floor to convey our deep appreciation to you, Mr. Chairman, to the other members of the Bureau and

to the Chairs of the two Working Groups for the efforts made. We would like to place on record India's position with regard to the 2008 substantive session of the Disarmament Commission.

As we stated at the commencement of this year's session, India attaches high importance to the Disarmament Commission as the universal deliberative forum for the in-depth consideration of specific disarmament issues with a view to the submission of recommendations to the General Assembly.

At a time when the international disarmament agenda is under severe strain, the Disarmament Commission offers a unique opportunity for Member States to bridge differences and arrive at common approaches of a universal character. We believe that this body should play a central role in bringing back coherence and consensus to address the security challenges of our time. In our view, the deliberations of the Disarmament Commission can yield positive and substantive results if Member States are willing to use this body to draw up guidelines and recommendations of a universal character, conveying a forward-looking vision for a more secure world. It is, therefore, with regret that we note that our efforts during this session have not yielded the desired results.

With regard to Working Group I, on recommendations for achieving the objective of nuclear disarmament and non-proliferation of nuclear weapons, India made detailed and substantive interventions in the Working Group, including the submission of a working paper on 9 April 2007. India joined the Non-Aligned Movement in reaffirming that the achievement of nuclear disarmament continues to be the top priority of the international community, as underlined by the Final Document of the tenth special session of the General Assembly, devoted to disarmament (General Assembly resolution S-10/2).

The Rajiv Gandhi action plan, presented to the General Assembly in 1998, remains by far the most comprehensive initiative on nuclear disarmament. India has joined in sponsoring resolutions that have been adopted by significant majorities at the General Assembly on a convention on prohibiting the use of nuclear weapons and on reducing nuclear danger. We have also sponsored a resolution adopted by consensus by the General Assembly on measures to prevent terrorists gaining access to weapons of mass destruction.

We believe that the Disarmament Commission must send a strong signal of the international community's resolve to initiate concrete steps towards achieving the objective of nuclear disarmament and non-proliferation of nuclear weapons. Member States should use this forum to intensify dialogue so as to build consensus that strengthens the ability of the international community to initiate concrete steps towards achieving the goal of nuclear disarmament. In this respect, we feel that our discussions in Working Group I fell short of our expectations and those of a vast majority of States represented here.

India reiterates that nuclear disarmament should remain the highest priority of the international community. There should be a reaffirmation of the unequivocal commitment of all nuclear-weapon States to the goal of complete elimination of nuclear weapons and reduction of the salience of nuclear weapons in security doctrines. There should be no dilution of the commitment to nuclear disarmament by linkage with extraneous issues or erosion of commitments to legally binding negative security assurances to non-nuclear weapon States.

India stresses the importance of subscribing to the highest non-proliferation standards while emphasizing that progress towards nuclear disarmament and progress towards non-proliferation are mutually reinforcing. Given the importance of nuclear energy in meeting the growing global energy needs, attention must be paid to allowing the growth of the nuclear industry, including through expanded international cooperation in a manner that is consistent with global non-proliferation objectives.

We regret that consensus was not possible on the outcome document of Working Group II. India supports practical unilateral, bilateral, regional or global initiatives on confidence-building measures. We believe that such measures can promote a stable environment of peace and security among States by building trust and confidence and enhancing transparency to minimize misunderstandings.

Guided by this principle, India has initiated several confidence-building measures with countries in our neighbourhood. The implementation of appropriate types of confidence-building measures in specific regions should take into account the specific political, military and other conditions prevailing in that region. Such arrangements have to be freely arrived at and

agreed upon by the States of the region concerned, while taking into account the specific conditions and characteristics of the region. A step-by-step approach should be adopted, leaving it to the sovereign decision of States to choose confidence-building measures best suited to their interests.

The outcome is a disappointment, as we feel we were close to a successful conclusion. We hope that this important issue will continue to receive the attention that it deserves from the international community.

Mr. Tarar (Pakistan): At the very outset, Mr. Chairman, allow me to express, or rather reiterate, our deepest appreciation for your leadership and that of the Chairpersons of the two Working Groups and all the members of the Bureau and for the help that we have received in steering our deliberations. I think there is a consensus on these points, if not on anything else.

We have heard very understandable expressions of regret about not reaching a consensus. These expressions of regret have very naturally arisen from the fact that all those engaged in this exercise have had a devotion which one can describe as being nearly maternal to the working papers and to the documents on which we were trying to reach consensus. So, the disappointment is extremely understandable. However, we cannot help remarking that in the myriad of discussions that we have had and the discussions that preceded the session, there was a common set of optimism and of the realization that something needs to be done. There is also a desire to thrash out issues and to discuss them in depth. During these proceedings — and this phenomenon is to a great extent attributable to the positive spirit shown by all the delegations and all the Commission officers — we have seen our differences being narrowed, if not completely bridged. Obviously, there have been some issues on which it may be difficult to find completely common views, especially at our level. Nevertheless, I would say that we have seen very positive developments in this regard.

Let me stress, Sir, that the outcome we have does not reflect in any way on your or any of your associates' competence or commitment. I think all of you have done your part remarkably well. At the same time, the various delegations also have tried their best to reach some conclusion, so we can draw comfort from the fact that we have seen developments in bridging our differences.

As far as Pakistan is concerned, I do not want to give a discourse on our position on the various issues. That has been made clear in the working papers we earlier submitted to the Disarmament Commission and the contributions we have made during this session as well. I will confine myself to saying that we are deeply committed to all the issues that are under consideration. For us, this is not an academic exercise. For us, it is a matter of utmost importance, and we remain committed to contributing to the exercise with a view to realizing the goal of a world in which ideas and not military capabilities determine the course of events.

Ms. Juul (Norway): Allow me to also thank you, Mr. Chairman, your team, the Chairmen of the Working Groups and the Secretariat for their very hard work. Despite all those efforts and the good intentions, I think, of all of us, it is highly regrettable that the Commission, once again, was not able to produce a consensus outcome. We had hoped that the Commission would have reached agreement on the need to support and further strengthen multilateral treaties and mechanisms in the field of disarmament, arms control and non-proliferation.

The Commission could have sent a strong message to the ongoing review process of the Treaty on the Non-Proliferation of Nuclear Weapons on the need to forge a new consensus on nuclear disarmament and non-proliferation. The Commission could have stated its support for the Mine Ban Convention. It could have supported efforts to combat illicit small arms and light weapons and nurtured the process leading up to an arms trade treaty. The Commission could have supported ongoing negotiations to ban cluster munitions causing unacceptable humanitarian harm. But, unfortunately, that was not possible.

All of this shows that the Commission, in its current form, does not live up to our expectations. Norway would encourage a frank discussion on what we want to achieve with the Disarmament Commission and what sort of improvements could help us get there. We strongly believe in multilateralism. We also believe that the Commission can play a useful role as a deliberative body in order to facilitate long-term consensus-building. We are more than ready to enter into an honest debate about how to improve the working methods of the Commission. We consider such

an exercise to be a continuation of our efforts to restore the relevance of the First Committee of the General Assembly and the role of the United Nations in arms control matters. We hope that other Member States are also ready to engage in a process to make the Commission more relevant and credible than it is today, and we look forward to consulting with all our colleagues on this in the weeks to come.

Mr. Obisakin (Nigeria): On behalf of the African Group, we would like to begin by aligning ourselves with the Non-Aligned Movement and with most of those who have spoken before us. We want to express our deep appreciation to you, the Chairman of the Commission, and also to the Chairmen of the two Working Groups. They have worked very hard indeed, as I said earlier in the session. Indeed, they are like monkeys who have been sweating as other animals do, only the hair on the body of the monkey prevents people from seeing the sweat.

As our people say in Africa, when a child has decided to die, even when we take him to the best medical doctor, it will seem as if the physician was incompetent. But must we let that child, the child of world peace and security die — speaking specifically in terms of disarmament and non-proliferation of weapons of mass destruction? We want to encourage every one of us, as Nigeria stated specifically in its statement in the general exchange of views, to exercise more flexibility in negotiations. In fact, we spoke of magnanimity. There is the concept of a common roof for all of us. The world has come so close now. Wherever you are, it is the same stream that the world drinks from, the same atmosphere that covers all of us. What you do in the North will affect the efforts in the South, and what we do in the South will eventually affect you in the North. We want to appeal specifically to all to display more interest and more commitment in this matter of world peace and security.

Also, we want all of us to look deeply and consider the consequences of failing to maintain peace and security in the world. We want to appeal for an effort to come out of our cocoons of national interests and be broader and more multilateral in our view, in order to reach consensus. It is very possible that we can reach it if we want to. You can have it if you really want, but you must try and try, as the famous musician says. Let us not lose hope. The only thing that we should never lose is hope. Our people say that if the cow give no milk today, she will probably give some tomorrow.

Let us come closer. We want to call, specifically, for more understanding. We are under the same roof. No one can clap with one hand: you need two hands to clap. We need to collaborate closer with each other; we need one another. We want to say that when the right hand washes the left palm, both hands will be clean.

There is a note of warning. Looking, specifically as the Nigerian representative, at all the deliberations, we fear that it appears that not all delegations are aware of the deep consequences of total fiasco in the Commission. May God forbid it. But our caution is also expressed in an African proverb that says that if your bedmate, the person you sleep with, decides to eat raw insects, and you do not warn him or her, when he or she begins to cough incessantly — non-stop — at night, you might not have a nice rest.

Finally, I say philosophically, when a child falls or is tripped, he looks forward, but when an adult falls, he looks back to see what has tripped him or her. What has been the stumbling block for all of us? As the Chairman has said, the agenda is open for the future. He wants us to look back on what has been, what French people call the "pierres d'achoppement". May almighty God open our eyes to see them. Some of them are clear to us. We express our thanks behalf of Africa and behalf of the Federal Republic of Nigeria.

Mr. Hu Xiaodi (China) (*spoke in Chinese*): For three years, the Commission has worked on nuclear disarmament and on practical confidence-building measures in the field of conventional weapons. Although we have failed to agree on the relevant outcome documents, the Chinese delegation believes that members have had an in-depth exchange of views, have come to a better understanding of their common views and their differences and have had very good consultations and discussions in a practical and professional spirit. Those things are very important to the future work of the international community in this sphere.

The United Nations Disarmament Commission, as the sole universal deliberative body on arms control and disarmament, still has a significant role to play in today's world. China will continue to actively participate in the work of the Commission.

Finally, I would like to express our great appreciation to you, Mr. Chairman, to the Chairmen of the two Working Groups over the past three sessions for the considerable amount of constructive work you accomplished. I would also like to take this opportunity to express our gratitude to the Secretariat staff who assisted us at this session of the Commission.

Mr. Robatjazi (Islamic Republic of Iran): My delegation would like join previous speakers in expressing appreciation to you, Mr. Chairman, and to the members of the Secretariat for the support and assistance we have received. We should also like to pay tribute to the Chairmen of the two Working Groups; they deserve special thanks for their untiring efforts.

We regret that after three years the United Nations Disarmament Commission has been unable to adopt agreed texts on its substantive agenda items. However, we are of the view that the lack of consensus on the items on the Commission's agenda should not call into question this body's relevance. This body serves a purpose: the identification of areas of agreement and disagreement. If it can achieve consensus, so much the better; if not, it reflects the state of affairs and the realities.

I would like to briefly assess the situation in Working Group I, on nuclear disarmament and non-proliferation. Attempts to undermine the existing agreements, principles and norms on nuclear disarmament as well as attempts to introduce preconditions for the implementation of obligations on nuclear disarmament prevented us from reaching a consensus. Despite the sincere efforts and remarkable leadership deployed by the Chairman of Working Group I in order to provide a balanced text and despite the flexibility shown by the majority of delegations, including ours, three nuclear-weapon States — namely, the United States, France and the United Kingdom — systematically and counterproductively pushed for the elimination of a number of words, sentences and paragraphs that were the underpinnings of the overall balance of the Chair's document. Those provisions were a mild and meticulously worded reflection of their obligations — nothing beyond that. Indeed, those States bear the responsibility for the failure of Working Group I.

At the beginning of this session, during the general exchange of views, my delegation expressed its view that the sincerity and seriousness of nuclear-weapon States regarding their commitment to the objective of nuclear disarmament would be tested at this session. Unfortunately, the aforementioned States failed in that test.

The intentions and actions rigorously pursued by the presumed remaining super-Power are a serious matter. Without the slightest regard for the concerns of the rest of the international community, policies and practices formulated and pursued by the United States during the past eight years clearly indicate what lies ahead if they remain unchecked. The United States has prevented progress in almost all the multilateral disarmament forums.

Allow me to briefly give a few examples in this regard: abandoning the efforts to negotiate a verification protocol to the Biological Weapons Convention; opposing the ratification of the Comprehensive Nuclear-Test-Ban Treaty, thereby damaging the prospects of the entry into force of the Treaty; rejecting the inclusion of the element of verifiability in a future fissile material cut-off treaty, thereby undermining a long-standing position of the international community on a consensus over the negotiating mandate in the Conference on Disarmament; hijacking the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, causing it to end without any substantive outcome; rejecting any reference to nuclear disarmament in the 2005 World Summit Outcome document; and blocking the adoption of the final document of the first Review Conference of the Programme on the Illicit Trade in Small Arms and Light Weapons, held in 2006. The latest example is the outcome of this Commission.

The extremist attitude reflected in these practices seems to reflect a failure to have learned any lessons from the nightmare of Hiroshima and Nagasaki. We urge the United States not to delay in changing from an anti-nuclear-disarmament pariah in international forums to a proud leader on nuclear disarmament and from an irresponsible actor in global affairs to a responsible player.

The Chairman: I have five more speakers on my list and it is close to 1 p.m. I would appeal to delegations to make short interventions so that we can finish our business, with the indulgence of the interpreters, in the next 15 minutes.

Mr. Cahalane (Ireland): First of all, I would like to associate myself with the statement made by the delegation of Slovenia on behalf of the European Union.

I shall be brief. With respect to Working Group I, my delegation is disappointed that an outcome was not possible. Our Minister recently stated that universal nuclear disarmament remains a central plank of Ireland's foreign policy. Our delegation is also disappointed that no outcome was possible on Working Group II, and I would agree with the range of issues mentioned by the representative of Norway in that regard.

We were particularly disappointed on the issue of cluster munitions. As I have mentioned before, a diplomatic conference on that subject is part of the Oslo process and will take place in Dublin from 19 to 30 May. I have left an information note on the conference at the back of this room for any delegations that are interested in that issue. My authorities look forward to welcoming delegations to Dublin in May.

Mr. Benítez Versón (Cuba) (*spoke in Spanish*): First of all, the Cuban delegation would like to fully support the statement made by the representative of Indonesia on behalf of the States members of the Non-Aligned Movement.

Today we reach the end of a cycle of deliberations for the Disarmament Commission, which has made it possible to examine for a three-year period two important items on the international agenda.

Cuba regrets that our work has ended without achieving consensus on either of the two substantive items on the agenda. As a result, the Commission will not be able to submit any recommendations or concrete guidelines to the General Assembly or to the international community.

No one can say that the exercise that has taken place over the past three years has not been useful. The mere fact that we have a place where all Member States are in an equal position to deliberate disarmament and arms control in depth is something that benefits us all. Dialogue is always useful and, after all, provides the foundation for whatever follows. The Commission has to produce concrete results and its great potential must be duly taken advantage of.

But what happened in the Commission is by no means an isolated incident. It is part of the widespread stagnation, even setbacks, that we have seen in recent years in multilateral negotiations on disarmament and arms control.

The reasons for this situation are very clear. Explanations for this lack of result should not be sought in questions of procedure or in the working methods. Of course, we have to continue striving to improve the working methods of the Commission and of the disarmament machinery in general. But in the end, if there is no real political will on the part of all States, there will be no real possibility of achieving agreements which would meet the legitimate expectations of the international community.

A minority but a powerful group of States does not have a real interest in moving forward with the multilateral discussions on these matters. Instead, they unequivocally opt for unilateralism. Fortunately, we, the vast majority of States, are in favour of multilateralism and collective action founded on international law and the United Nations Charter. We trust that sooner or later the present situation concerning disarmament and arms control will change and that we will see the will of the majority prevails so that we can begin once again to move forward and to achieve concrete results.

The Movement of Non-Aligned Countries, of which Cuba is honoured to be a member, has played an active role in the Commission's deliberations and, as the representative of Indonesia said, has drawn up and presented many constructive proposals.

Although we have not achieved concrete results on this occasion, Cuba is optimistic about the future and we hope that next year the Commission can begin a new cycle of deliberations on the two important new items with renewed vigour. Cuba, in conjunction with the Movement of Non-Aligned Countries, will take part enthusiastically and actively in the upcoming discussions.

I would like to conclude, Mr. Chairman, by expressing our gratitude to you and to the rest of the Bureau for your excellent work. I would also like to acknowledge in particular the tireless efforts of the Chairmen of the two Working Groups, who did their utmost to try and achieve a consensus. The fact that we have not managed to adopt a substantive document in either of the Working Groups in no way undermines the merit of the Chairmen's work. We also congratulate Ambassador Duarte and the entire Secretariat team for

their very considerable support and advice as well as the technical personnel — the interpreters, the conference officers and others — who have ensured with the utmost professionalism all the conditions that make it possible for us to carry out our work.

Mr. Itzchaki (Israel): As this three-year cycle of deliberations of the United Nations Disarmament Commission concludes, Israel regrets that it did not result in a substantive outcome. We, however, wish to commend the tireless efforts of the Chairs of both Working Groups, who have spared no effort in an attempt to bridge the gaps on these important issues. Our thanks go also to the members of the Secretariat who assisted them in their important task.

It seems that some delegations have chosen to divert the attention of our important deliberations from the pressing threats to peace and security — namely, the continued proliferation of nuclear weapons and terrorism, including the risk of terrorism using weapons of mass destruction — and to focus attention on political upbraiding and unhelpful rhetoric. They have done this while some States continue to carry out actions in the realm of nuclear proliferation and support of terrorism that cast a growing shadow over any prospect of achieving peace and stability, in the Middle East in particular.

We wish to remind the Commission that Israel joined the consensus on General Assembly resolution 62/18 on the establishment of a nuclear-weapon-free zone in the region of the Middle East, notwithstanding substantive reservations regarding certain elements of that resolution. We have done so with regard to similar texts for more than 20 years, since Israel remains committed to a vision of the Middle East developing into a zone free from chemical, biological and nuclear weapons as well as ballistic missiles. Yet, we are also realistic enough to know that, given the current realities in the Middle East, this noble vision is not going to materialize any time soon.

Israel has always maintained that nuclear issues, as well as all regional security issues, conventional and non-conventional alike, can be realistically addressed only within the regional context. As the international community has recognized, both in the Final Document of the first special session of the General Assembly devoted to disarmament (General Assembly resolution S-10/2) and in the 1999 guidelines agreed by the Commission, the establishment of a nuclear-weapon-free zone should emanate from the region itself. It can only be based on arrangements freely arrived at and through direct negotiations between all States in the region concerned and those directly concerned. Such a zone cannot be imposed from the outside; nor can it emerge before the conditions are right.

Israel believes that the political realities in the Middle East necessitate a gradual process based on a step-by-step approach. This process should begin with modest and confidence-building measures carefully selected so as not to detract from the security margins of any regional State, followed by the establishment of peaceful relations, reconciliation, mutual recognition and good-neighbourliness, and complemented by conventional and non-conventional arms control measures. This can in due course lead to a more ambitious goal, such as the establishment of a mutually verifiable nuclear-weapon-free zone.

Such a process is also grounded in the vast experience gained in other regions. Moreover, since the ultimate goal in the Middle East, as in other regions, is regional peace and security, the process of arms control negotiations should adequately address the threat perception of all participating States and must not hamper the security of any given party. This process clearly cannot begin in situations where some of the parties concerned still maintain a state of war with each other, refuse in principle to maintain peaceful relations with Israel, and even call for its destruction.

In this context, it should be recalled that, unlike other regions in the world where nuclear-weapon-free zones have been established, there are continued threats in the region of the Middle East and beyond against the very existence of one State, namely my State, the State of Israel. These threats are significantly exacerbated by the irresponsible behaviour of certain States concerning the export to the region of weapons of mass destruction (WMD) and WMD-related technologies and the discrepancies between their commitments and their actual behaviour.

That behaviour is being aggravated by the fact that those very States continue to transfer conventional arms to terrorists, thus significantly contributing to instability in the region. These circumstances and the poor track record of non-compliance with international obligations by several States in the region have a critical impact on the ability to embark on a joint process of regional security-building that could

eventually lead to a nuclear-weapon-free zone in the Middle East.

Let us bear in mind that three out of the four recognized cases of non-compliance with the Treaty on the Non-Proliferation of Nuclear Weapons have taken place in the Middle East. One of those, Iran, is still blatantly not showing any sign of compliance with its international nuclear obligations.

Israel has reiterated its vision of promoting regional peace and stability. However, progress towards realizing this vision cannot be made without a fundamental change in regional circumstances, not least without a significant transformation in the attitude of States in the region towards Israel. It is therefore our view that efforts in this context should be directed towards creation of a stable environment of peace and reconciliation in our part of the world.

Israel will continue to dedicate all its efforts in order to achieving that goal. We call upon our neighbours to do the same. Regrettably, the spirit of cooperation and direct dialogue between parties was still eluded, even during our deliberations, as up to now, none of our neighbouring States has deemed it suitable to choose that path in order to reach agreed language. If that is the spirit, we wonder how more ambitious objectives can be achieved.

Mr. Semin (Russian Federation) (*spoke in Russian*): The Russian delegation too regrets that it was not possible for the Commission to adopt recommendations by consensus. Nonetheless, we propose to speak about the positive elements observed at this session. Without them, there would be no future.

First of all, participation was not limited to the members of the Disarmament Commission or to parties to the Treaty on the Non-Proliferation of Nuclear Weapons. All together we discussed all the issues, and the composition of the Commission makes it a unique body. We had good discussions on issues of substance. For example, for the first time, the Russian Federation, the United States and the People's Republic of China were able to agree on wording on continuing work on confidence-building measures in outer space. That is a good basis for further work in the General Assembly. It is important for everyone.

Secondly, discussions and statements are important, but what is most important is action, and the more concrete and practical our actions are the easier our discussions will be at these forums. For example, the Russian Federation has ratified the Comprehensive Nuclear-Test-Ban Treaty; it supports the commencement of negotiations on a fissile material cut-off treaty and supports a moratorium on nuclear testing and on the production of fissile material. We are reducing our nuclear arsenals at a rapid pace. In a week's time, in Geneva, we will present specific figures; the units concerned number in the hundreds of thousands.

Major work is being done jointly with the United States. There will be a presentation on 29 April in Geneva of the outcome of the work by the United States and Russia on the Intermediate Range Nuclear Forces Treaty and on further steps that may be taken to extend the Treaty. We have, moreover, stated that we will not be the first to place weapons in outer space.

We call on everyone to join in such concrete actions. We are certain that our discussions in this and other forums will be easier when everyone takes concrete, practical steps.

Finally and most important, there was a good atmosphere of cooperation and great interest in reaching a compromise, which is key for future progress.

To conclude, Mr. Chairman, I would like to thank you, your colleagues in the Bureau and Mr. Duarte and his talented Secretariat staff. I would also like to thank all of my friends and colleagues here in this room, even those who were not in agreement with Russia's proposals. We hope that discussions will continue.

Mr. Hallak (Syrian Arab Republic) (*spoke in Arabic*): On behalf of the Group of Arab States, we thank you, Mr. Chairman, the other members of the Bureau, the Chairmen of the Working Groups I and II and the Secretariat staff for their tireless and sincere efforts during our session. We also thank the technical personnel and the interpreters.

The Group of Arab States wanted to work in a transparent and constructive manner in order to move the deliberations forward. In this framework, we support justice so that our words can be reflected in action in the area of disarmament for all weapons, nuclear weapons in particular.

The Arab Group enjoys the support of the vast majority of States regarding the establishment of a nuclear-weapon-free zone in the Middle East, in order

to implement all the agreements and commitments that were concluded at the 1995 and 2000 Review Conferences of the Treaty on the Non-Proliferation of Nuclear Weapons. We regret that the Disarmament Commission was unable to agree on the special priority of nuclear disarmament or to reassert the terms of reference for non-proliferation, with its three pillars, and of the resolutions adopted at the 1995 and 2000 Review Conferences.

The position of the Group of Arab States is the same as that of the Non-Aligned Movement, and we thank all the non-aligned countries that have helped us in working towards a consensus that aims at disarmament throughout the world.

The policies of double standards that are adopted by some countries regarding nuclear disarmament in the Middle East can only create imbalance, instability and frustration among the peoples of our region. Such policies can only promote an arms race that will never serve development or international peace and security.

Finally, the Group of Arab States emphasizes that it is determined to participate actively, professionally and objectively in all of multilateral disarmament forums to create ideal conditions for the undiminished security and stability of the peoples of our region and of the entire world.

The Chairman: We have heard the last speaker in our round of concluding statements. The representative of Iran has requested the floor. While, unlike in the general exchange of views, we do not have rights of reply or second rounds of statements, I nonetheless give him the floor.

Mr. Robatjazi (Islamic Republic of Iran): Excuse me for taking the floor again. Today the Commission heard an unsubstantiated allegation about my country from the representative of the Zionist regime, a regime that is based on violence, occupation, State terrorism and bloodshed. I just want to put on record that our commitment to the Treaty on the Non-Proliferation of Nuclear Weapons is steadfast. I will not dignify the remainder of the comments of the Israeli representative with any response other than to reject them.

The Chairman: I would like to thank all delegations, in particular for their kind words to the Chair, the other members of the Bureau and the Chairmen of the Working Groups. Perhaps the only word of conclusion on agenda item 6 is for me to say, maybe the cow will give milk tomorrow.

Other business

The Chairman: There appears to be no requests for the floor under this item.

I would like to express my gratitude to all delegations for their constructive spirit and the support they extended to me and the other members of the Bureau, who helped me to shoulder the responsibility of running the Commission smoothly. I am particularly grateful to them.

I want to thank the Secretary-General, Mr. Ban Ki-moon, for his interest in the work of the Commission. That was much appreciated and was an invaluable contribution. I would also like to take this opportunity to thank the Secretary of the Commission, Mr. Timur Alasaniya, the Secretaries of the Working Groups and other staff members of the Department for General Assembly and Conference Management. I would like to thank the Office for Disarmament Affairs, in particular Mr. Sergio Duarte, High Representative for Disarmament Affairs, Ms. Hannelore Hoppe, Mr. Ioan Tudor and all the other colleagues from the Office. I would like to thank the interpreters, especially for their extra mile just now, and also for their diligent work throughout the session. I would like also to thank the conference officers and documents officers.

Closure of the session

The Chairman: I declare closed the 2008 substantive session of the Disarmament Commission.

The meeting rose at 1.20 p.m.